THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.No.31257 of 1997

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Between
A.B.Ramamohan Reddy ..Petitioner

AND

The Mandal Revenue Officer, Rajampet and others ..Respondents

JUDGMENT

14.2.2007

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.31257 OF 1997

JUDGMENT:

This writ petition has been instituted seeking directions to the respondents to desist from demolishing the shopping complex and lodge complex bearing Door Nos.6/399-A to L comprised inSurvey Nos.945 and 946 situate in Rajampet Village, Kadapa District.

It is not in dispute that the property referred to supra was a private property over which the Government have not got any claim or hold or title. The Mandal Revenue Officer, Rajampet in his communication dated 13.2.2007 addressed to the learned Government Pleader for Revenue which has been kept on record, has asserted as follows:

> "As already explained supra, the R&B department has constructed drainage in R& B Road Poramboke in S.No.939 extent 1.83 acres of Rajampet Village which is situated in front of the Lodge and Shopping complex of the writ petitioner. The Executive Engineer, R&B, APSHP Division, Kadapa has informed that while construction of drainage from Old Bus Stand to Railway Station, a space of 2½ feet between the drainage and building of the petitioner was left over as margin. Due to construction of the drainage in R&B Road, no demolition of the

Lodge and Shopping Complex took place. Since the construction of drainage has been taken up in R & B Road Poramboke which is free from encroachments, question of issue of notice to the writ petitioner does not arise."

In view of what has been spelt out by the Mandal Revenue Officer, it is obvious that the drainage which has been constructed by the R & B Department, was got constructed in a land over which the writ petitioner has got no claim. It was alleged to be a road poramboke. This apart, to provide for access to the shopping complex, open drain is also covered by concrete slabs. Therefore, the apprehensions entertained by the writ petitioner have not turned out to be true. In this view of the matter, the cause in the writ petition does not survive for adjudication. But however, in the unlikely event of the State's administration trying to deal with the private property including that of the writ petitioner, I have no doubt in my mind that the same will be undertaken strictly in accordance with law.

The writ petition is dismissed, however, without costs.

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NOOTY RAMAMOHAN RAO.J.

14.2.1.2007
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